

IN THE DRAWINGS

An amended Figure 4, identified as "REPLACEMENT SHEET," is submitted herewith.

The amendment corrects Figure 4. The original drawing of Figure 4 incorrectly showed Logic Gates 355 and 360 as an OR Gate and a NOR Gate. The correction replaces OR Gate 355 with an XOR Gate and NOR Gate 360 with an XNOR Gate. The correction places Figure 4 in agreement with page 7, lines 9-11, of the specification.

REMARKS

Claims 1-30 are currently pending.

It is believed that no new matter has been added by this amendment.

It is believed that the claims are now in condition for examination and notification to that effect is respectfully requested.

The Examiner is invited to contact Applicant's representative at (612) 349-9592 if prosecution may be assisted thereby.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully Submitted,

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By his Representatives,

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Date April 5, 2004

By Ann M. McCrackin

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CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5 day of April 2004.

Name KACIA LEE

Signature Kacia Lee



REPLACEMENT SHEET

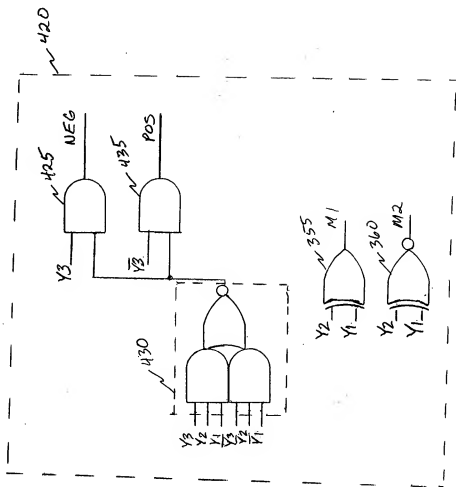


FIG. 4



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if a single name listed below) or an original, first and joint inventor (if plural names listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **OPPORTUNISTIC BEAMFORMING AND SCHEDULING OF USERS IN A COMMUNICATION SYSTEM**, the specification of which was filed on November 26, 2003 with the United States Patent and Trademark Office.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.